

# Notice of Allowability

Application No.

09/700,951

Examiner

Jason M. Perilla

Applicant(s)

HUTTUNEN, MIKKO

Art Unit

2638

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to the request for consideration filed September 8, 2005.
2. ☒ The allowed claim(s) is/are 1, 2, 4-6, and 8-10 renumbered respectively as claims 1-8.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☒ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☒ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
  - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
    - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
  - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 20050929.
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_.

### EXAMINER'S AMENDMENT

1. Claims 1, 2, 4-6, and 8-10 are pending in the instant application.
2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Christine H. McCarthy (41844) on September 28, 2005.

The application has been amended as follows:

Regarding claim 1, in line 1, "interfering signal" is replaced by –interfering data-bearing communication signal--, and, in line 10, "interfering signal" is replaced by –interfering data-bearing communication signal--.

Regarding claim 5, in line 1, "interfering signal" is replaced by –interfering data-bearing communication signal--, and, in line 10, "interfering signal" is replaced by –interfering data-bearing communication signal--.

Regarding claim 9, in line 1, "interfering signal" is replaced by –interfering data-bearing communication signal--, and, in line 10, "interfering signal" is replaced by –interfering data-bearing communication signal--.

Regarding claim 10, in line 1, "interfering signal" is replaced by –interfering data-bearing communication signal--, and, in line 10, "interfering signal" is replaced by –interfering data-bearing communication signal--.

**Claims 1, 2, 4-6, and 8-10 are renumbered respectively as claims 1-8, and the claim dependency is renumbered accordingly.**

***Allowable Subject Matter***

3. Claims 1, 2, 4-6, and 8-10 renumbered respectively as claims 1-8 are allowed.

4. The following is an examiner's statement of reasons for allowance:

With careful consideration given to Applicant's arguments filed September 8, 2005, claims 1, 2, 4-6, and 8-10, renumbered respectively as claims 1-8, are allowed. The prior art of record shows that a threshold may be used against an error metric determined in a receiver representing interference in a received signal. However, as the Applicant points out, the interference in the prior art of record, namely combinations including at least Love et al (US 6567475), is not specifically defined to be that of an unwanted data-bearing communications signal as in the instant application. Therefore, the claims specifying that the interfering signal is an interfering data-bearing communications signal are allowable because the prior art of record does not disclose or obviate the recognition of the reception of an interfering *data-bearing communication* signal.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

**Conclusion**

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason M. Perilla whose telephone number is (571) 272-3055. The examiner can normally be reached on M-F 8-5 EST.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kenneth Vanderpuye can be reached on (571) 272-3078. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Jason M. Perilla  
September 29, 2005

jmp



CHIEH M. FAN  
PRIMARY EXAMINER